



Attorney Docket No.: 61352-039
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :
: Customer No.20277
Ichiro YAMASHITA :
: Confirmation No.: 4459
Serial No.: 10/617,955 :
: Group Art Unit: 1641
Filed: July 14, 2003 : Examiner: MELANIE J. YU
:
For: FINE PARTICLE FILM AND PRODUCING METHOD OF THE SAME

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed November 18, 2004, having a shortened statutory period for response set to expire December 18, 2004, wherein the Examiner required restriction between the following distinct Groups:

- | | | |
|-----------|---|--|
| Group I | - | Claims 1-13, drawn to a fine particle film; |
| Group II | - | Claims 14 and 16-18, drawn to a method for producing a fine particle film comprising a negatively charged substrate; |
| Group III | - | Claims 15 and 19-21, drawn to a method for producing a fine particle film. |

Applicant elects without traverse, Group I – claims 1-13 for initial prosecution on the merits.

Applicant also reserves the right to file a Divisional Application for the non-elected claims 14-21, which the Examiner has indicated is patentably distinct.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 12/2/04

By: _____

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